

Joint Action Plan - Trucker Work Stoppage at Port Metro Vancouver

In recognition of the concerns voiced by container truck owner/operators, the work stoppage that has gone on for four weeks and the resulting severe impacts on the national economy, the Government of Canada, the Province of British Columbia and Port Metro Vancouver have collectively agreed to an action plan and expect an immediate and full return to work. Those who choose to continue this work stoppage will jeopardize their opportunity to provide drayage services at Port Metro Vancouver in the future.

1. Immediately upon resumption of normal trucking operations, Port Metro Vancouver will rescind licence suspensions where no criminal charges have been laid against any driver or operator by the police. Port Metro Vancouver will also dismiss without any legal costs its legal action in the Federal Court against the United Truckers Association (“UTA”) (Action #S-141964) at the expiry of the interlocutory injunction issued in that action on March 11, 2014. Port Metro Vancouver further agrees not to commence any further action against Unifor or UTA or its members arising out of any activities of Unifor or UTA or its members that precede the resumption of normal trucking operations.
2. The Government of Canada commits to take appropriate measures to increase trip rates by 12% over the 2006 Ready Rates. The rates will take effect within 30 days of the return to work and will apply to all moves of containers (whether full or empty). To make drivers whole for the interim period between 7 days following the return to work and the date the new rates take effect, a temporary rate increment will be put in place.

These rates shall be calculated on a round trip basis, and shall apply to all moves. A mechanism will also be established to attach a benchmark minimum rate for all hourly drivers to the federal regulation. The rate is anticipated to be initially instituted at \$25.13 on hire and \$26.28 after one year of service. Recognizing that per-trip rates for hourly drivers are a concern of all parties, the issue of the prohibition of such rates shall be reviewed in accordance with paragraph #14. Canada and B.C. further commit to put in place a new mechanism to ensure off dock trips (including within a property or between properties) are remunerated consistent with the revised regulated rates, and the Government of Canada will expedite its 2014 Regulatory Framework Review which will assess the current wage and fuel surcharge rates.

3. The Province of British Columbia commits to engage unions and their certified employer companies on the importance of achieving renewal collective agreements and will ensure access to mediation if both parties agree to its use.
4. As per the current federal regulation, upon return to work the fuel surcharge multiplier will be amended from 1% to 2% which will result in a 14% fuel surcharge immediately upon a return to work. This fuel surcharge must be paid to owner operator drivers without exception and this will be enforced through increased and regular provincial audits.
5. The Province of British Columbia will strengthen the scope of the audit function so that all trucking companies registered in the trucking licensing system for local drayage will be subject to regular audits conducted in a transparent manner and penalties for rate violators shall be severe and shall include cancellation of licenses for companies and individual drivers. The scope of the audit program will be expanded to include union and non-union drivers and “off dock” movements. The province and Port Metro Vancouver will work with the industry to define the parameters of the audit program, with full implementation by June 15, 2014.
6. Whistleblower Mechanism: Port Metro Vancouver and the province will work together to provide a mechanism for the reporting of concerns related to compliance with trucking licensing system requirements (including compensation provisions) or incidents of intimidation or harassment related to container drayage activity. The new mechanism will allow for direct input to the provincially delivered audit program and will be in place no later than June 15, 2014.

7. Port Metro Vancouver will begin a consultation period with trucking industry stakeholders on the restructuring of the trucking licensing system with the intent to implement initial reforms by June 15, 2014. The goal of the new system is to create a more stable trucking industry and it is contemplated initial steps will include:
 - a. Greater accountability on trucking companies to comply with rate and employment agreements;
 - b. Licence charges on trucking companies which will be used to fund the modified licensing system and enhanced compliance regime (on a cost recovery basis) as well as contributions to GPS and optimization technology;
 - c. Implementation of a security deposit or bonding program for trucking companies; and
 - d. Control over the total number of licensed trucks to avoid a surplus and support the goals of this action.
8. Terminals and Port Metro Vancouver will announce, for rapid implementation, an extended-hours pilot project by March 31, 2014 that will be responsive to volume forecasts. Key elements of the pilot project are:
 - a. Shippers will have the ability to nominate which terminals would have extended hours on which days informed by Port Metro Vancouver forecasts;
 - b. There will be a forum for consultation on the proposed schedule which will include Port Metro Vancouver shippers and terminals;
 - c. Below a threshold (proposed: 60%) terminals will be entitled to compensation for unrecovered costs;
 - d. A risk / cost sharing formula will be developed and implemented by Port Metro Vancouver in consultation with shippers and terminals; and
 - e. Compensation will be tied to terminal performance during extended hours.
9. Immediately, the Terminal Gate Compliance Fee will be waived when excessive delays are encountered at a terminal.
10. The Government of Canada and Port Metro Vancouver will expedite the roll out of the next phase of the GPS project to outfit the balance of the trucking fleet with GPS technology. To be completed between May and September 2014.
11. Port Metro Vancouver in consultation with terminals and trucking stakeholders, will implement an enhanced common reservation system by January 2015 to address concerns related to the current reservation system.
12. Port Metro Vancouver will establish a mechanism for directing the Terminal Gate Efficiency Fee (i.e. Waiting Time Fee) to be paid to the trucking companies who will be required to pass the fee on to independent owner operators. Starting seven (7) days after a return to work, the Terminal Gate Efficiency Fee (i.e. Waiting Time Fee) shall be paid at \$50 per trip for time spent waiting at Port terminals (Deltaport, Fraser Surrey Docks, Vanterm, Centerm) after ninety minutes of waiting time. At two hours of waiting time, an additional \$25 fee will be paid per trip. At two and half hours of waiting time, an additional \$25 fee will be paid per trip. Each additional half hour will be paid at a rate of \$20. This waiting time shall begin to accrue from the designated points outlined below.
 - a. Vanterm / Centerm - Waiting time shall be measured from the time of entrance to the time of exit from the Clark, McGill and the vehicle access control gate at Heatley entrances.
 - b. Deltaport - A mechanism will be developed to identify time of entrance and exit to and from the terminal, and this will be measured at the last (current) overpass on the approach to Deltaport Way.
 - c. Fraser Surrey Docks - Waiting time shall be calculated from the time of entrance to the time of exit from the entrance off of Elevator Road and Highway 17.
 - d. The following two locations would require further analysis / discussion to clarify mechanics:

- i. CN Intermodal (Port Kells) - Waiting time shall be calculated from the time of entrance to the time of exit from the entrance off of 96 avenue and Highway 17.
 - ii. CP Intermodal (Pitt Meadows) - Waiting time shall be calculated from the time of entrance to the time of exit from the entrance to CP's yard.

- 13. A steering committee will be formed immediately following the return to work and will consist of representatives from the unionized and non-unionized trucking community, the terminals, Port Metro Vancouver, Transport Canada and the Province of British Columbia to be chaired by Transport Canada. The steering committee will monitor implementation of all commitments in the Joint Action Plan and share the results on a regular basis with all stakeholders.

- 14. The Province of British Columbia, the Federal Government, and Port Metro Vancouver agree that Vince Ready shall be seized to issue recommendations on all points in this action plan that will be reviewed, finalized and acted upon within ninety (90) days of a return to work.

- 15. Unifor and the UTA agree to an immediate return to work based upon the above and acceptance by Canada and British Columbia.